

ZB# 99-17

Robert Husted

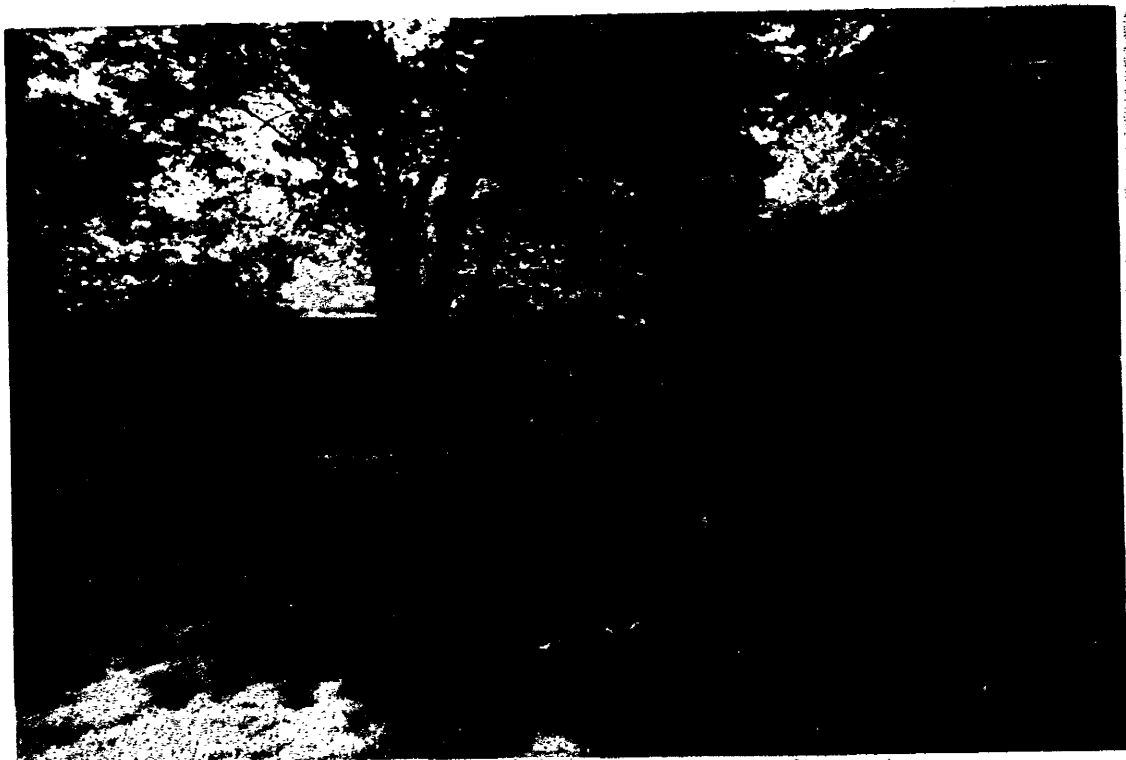
47-2-5

#99-12- Thusted, Robert

Area

47-2-5.

Prelim.
May 10, 1999.
Read it
Notice to Sentinel 5/19/99.
Public Hearing:
June 14, 1999.
Granted
Area Variance
Refund: \$180.50



Washburn Service Corporation • Sales • Non-Debit • Sales • Washburn Service Corporation

DATE 6/15/99 **RECEIPT** 039365

RECEIVED FROM Robert Husted

Address Defty

FOR ZBA #99-17 1.00 DOLLARS \$50.00

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK	4528
BALANCE DUE		MONEY ORDER	

Town Clerk
Dorothy Hansen

APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Husted

FILE# 99-17

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA X

USE

APPLICATION FOR VARIANCE FEE \$ 50.00

*

*

*

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 5/10/99-3 \$ 13.50

2ND PRELIMINARY- PER PAGE 6/14/99-8 \$ 36.00

3RD PRELIMINARY- PER PAGE \$

PUBLIC HEARING - PER PAGE \$

PUBLIC HEARING (CONT'D) PER PAGE \$

TOTAL \$ 49.50

ATTORNEY'S FEES: \$35.00 PER MEETING

PRELIM. MEETING: 5/10/99 \$ 35.00

2ND PRELIM. 6/14/99 \$ 35.00

3RD PRELIM. \$

PUBLIC HEARING \$

PUBLIC HEARING (CONT'D) \$

TOTAL \$ 70.00

MISC. CHARGES:

..... \$

TOTAL \$ 119.50

LESS ESCROW DEPOSIT \$ 300.00

(ADDL. CHARGES DUE) \$

REFUND DUE TO APPLICANT . \$ 180.50

paid ck # 4528 5/19/99
paid ck # 4529



In the Matter of the Application of

ROBERT HUSTED

#99-17.

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

WHEREAS, ROBERT HUSTED, residing at 7 Garden Drive, New Windsor, New York, N. Y. 12553, has made application before the Zoning Board of Appeals for an 8 ft. rear yard variance for an existing pool at the above single-family residence in an R-4 zone; and

WHEREAS, a public hearing was held on the 14th day of June, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were 6 spectators appearing at the public hearing; and

WHEREAS, one spoke in opposition; one spoke in favor; and one person spoke neither in favor or in opposition, but had questions regarding the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in an R-4 zone neighborhood containing one-family homes.

(b) The pool is serviced by a deck. Both the pool and the deck have been recently constructed.

(c) The requirements of the Town Zoning Code have been met with respect to side yard requirements to the pool.

(d) The Town Zoning Code requires a 10 ft. distance between the pool and the rear yard. The pool is located 2 ft. from the rear yard line. Considering the size and shape of the property, the pool is located in the best possible location.

(e) The pool itself is constructed so that the pool wall is farther than 2 ft. from the edge of the property. It is held up by buttresses of approximately 3 ft. each and for variance purposes the measurement is taken from the end of the buttresses to the rear line.

(f) The pool is similar to other pools in the neighborhood.

(g) The pool is not located on top of any sewer easement or water easement.

(h) The house is served by municipal water and sewer so that the pool is not located on top of any well or septic system.

(i) The pool does not interfere with or divert any course of drainage or cause any ponding or collection of water.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested are substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for an 8 ft. rear yard variance for an existing pool at the above address, in an R-4 zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: August 9, 1999.



Chairman

Date 6/30/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550 DR.

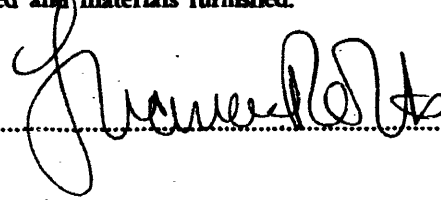
DATE			CLAIMED	ALLOWED
6/14/99		Zoning Board Mtg	75 00	
		Misc. - 2		
		Barton - 2		
		Bila - 4		
		Handel - 3		
		Husted - 8 - \$36.00		
		Paulik - 3		
		Librizzi - 3		
		JMK - 3	112 00	
		28	187 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.
Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

HUSTED, ROBERT

MR. NUGENT: Request for 8 ft. rear yard variance for construction of above-ground pool at 7 Garden Drive in an R-4 zone.

(Whereupon, Mr. Krieger entered the room.)

Mr. Robert Husted appeared before the board for this proposal.

MR. NUGENT: Is there anyone here for this variance? Please sign this sheet.

MS. BARNHART: For the record, Mr. Husted and I sent out 45 addressed envelopes to adjacent property owners on May 20th.

MR. KANE: Mr. Chairman, as in the preliminary hearing, Mr. Husted purchased his pool from the establishment that I work for, but I have no problems making a fair decision here.

MR. NUGENT: Okay, as long as it's on the record, nobody can complain.

MR. KRIEGER: That's a transaction that's already completed, right, purchasing the pool?

MR. KANE: Right.

MR. KRIEGER: So there's nothing outstanding?

MR. KANE: None at all.

MR. KRIEGER: Your compensation is not in any way dependent on the outcome here?

MR. KANE: Not at all.

MR. NUGENT: You're 8 feet short from here to here, is that what it is?

MR. HUSTED: Right.

MR. NUGENT: I know the property.

MR. KANE: Yes, actually, it's the safest position it can be on his property.

MR. NUGENT: Are you on a corner?

MR. HUSTED: No, in the middle on the outside.

MR. NUGENT: Explain to the board what you want to do and why you want to do it.

MR. HUSTED: I'd like to install a pool.

MR. NUGENT: Why couldn't it go at least ten feet from the line?

MR. HUSTED: There's no place there to put it.

MR. NUGENT: How is it, a deck, then a pool?

MR. HUSTED: Right.

MR. NUGENT: Does that deck and that pool touch?

MR. HUSTED: No, there's about three foot there.

MR. NUGENT: In between?

MR. HUSTED: Right.

MR. TORLEY: Do you have the photos we had last time?

MR. NUGENT: I only have one.

MR. TORLEY: So, this is the, is that the edge of the pool?

MR. HUSTED: That's the deck.

MR. TORLEY: Where's the pool?

MR. HUSTED: Pool's right there.

MR. NUGENT: Pictures don't show a lot.

MS. BARNHART: It's the rear yard that he needs.

MR. TORLEY: No further questions, defer questions until after the public comment.

MR. KANE: I have no comments.

MR. NUGENT: At this time, I'd like to open it up to the public. Please try to be brief and don't be repetitious. Who wants to speak first?

MR. TORLEY: There's a photograph.

MR. NUGENT: You can stay there.

MRS. SHIRLEY PESETZKY: I may have a little difficulty hearing you cause I wear hearing aids that don't work as well as they should. The name is Shirley Pesetsky and I'm at 13 Garden Drive. I abut his property on the corner end, not directly behind him, but I'm just the next lot behind and I was curious about some information. How much space is there between the pool and the property line on the side?

MR. NUGENT: According to him, two foot.

MR. TORLEY: No, on the side.

MR. NUGENT: I don't know what the side is. He needs at least 15 feet.

MRS. PESETSKY: Is there 15 feet?

MR. NUGENT: He has 15 feet.

MR. TORLEY: Code requires him to have 15 feet from the pool to the side yard which he has.

MRS. PESETSKY: Well, he's asking for a variance, I gather.

MR. TORLEY: On the back, not the side.

MRS. PESETSKY: So, in other words, on the side he's

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got 15 feet?

MR. TORLEY: At least.

MRS. PESETSKY: I'm not familiar, as I say, with aboveground pools, but if there's leakage and it's a good size pool, who becomes responsible if that water goes out and I'm flooded?

MR. NUGENT: The owner does.

MRS. PESETSKY: The owner does, well, what do you have to do to have him act on his responsibility if it happens, I'm going if now and I'm very, I have to be open and say I'm judging on just past experience where I feel the gentleman makes very nice people, we have been there a long time, but I don't feel that they take responsibility for what belongs to them. And I don't feel as though he particularly is considerate of his neighbors and I just want to know if I get flooded and I've got a mess or something like that may never happen, but what would my procedure have to be to be protected?

MR. NUGENT: It's not the right of this board to give you that information, we're only going on the variance that we're giving him tonight, which is because he's too close to his rear property line, what happens in the future, I can't tell you that, cause I don't know.

MRS. PESETSKY: Well, very frankly--

MR. NUGENT: I would call the building inspector if something happened.

MS. BARNHART: It's a violation.

MRS. PESETSKY: That answers my question, it doesn't make me particularly happy, but I don't know.

MR. TORLEY: The owner's responsible if his pool floods and washes out your yard, he's responsible.

MRS. PESETSKY: I realize that, I realize.

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MR. TORLEY: I'm not an attorney and I could not advise you.

MRS. PESETSKY: My husband was a very good one, but he's not capable today, but I would like to say that I realize that but if it necessitates tremendous action on the other party's part to rectify a problem that he creates can be a very big expense so frankly, I'm objecting.

MR. NUGENT: Would you like to speak? State your name.

MRS. PAUL: Mary Paul, 3 Garden Drive. I'm two houses down. It's been, our property and Garden Drive has been mostly older people and we now have young people which we're all so glad to hear them yelling, happy, happy. I know that they are fine parents, they are always taking care of their children, their place is very nice, they take care of their property. They have nice mannered children and I think that everybody should be together on that. And I'm sure Mr. Husted, if something happened, he would surely live up to his word. And that's what I have to say.

MR. NUGENT: Thank you. Anyone else?

MR. GONZALEZ: I'm Harold Gonzalez, I'm at 11 Garden Drive. I want to know how close is the pool to the fence?

MR. NUGENT: In the rear yard?

MR. GONZALEZ: Between my house and his.

MR. NUGENT: Rear yard is two foot.

MR. GONZALEZ: Two feet, isn't that close?

MR. NUGENT: That's why he's here, it requires ten.

MR. GONZALEZ: How big is the pool?

MR. HUSTED: Fifteen by thirty.

MR. GONZALEZ: All right, just wanted to know that.

MR. NUGENT: Are there any further objections or comments? Hearing none, I'll close the public hearing and open it back up to the board.

MR. KANE: Mr. Husted, was Michael taking the measurement from the pool or from the three foot stanchions?

MR. HUSTED: From the pool wall.

MR. TORLEY: The pool wall is two feet from the edge.

MR. KANE: No, pool wall is further than two feet from the edge, three foot buttresses go on the ends of the pool.

MR. NUGENT: The actual pool itself is five feet from the wall.

MR. TORLEY: So they are flipped.

MR. KANE: Because you have a three foot stanchion that comes out on each side so the pool wall itself is actually a little further, they take the measurement from the buttress.

MR. TORLEY: Bottom of the buttress is two feet from the property line.

MR. KANE: Right.

MR. HUSTED: Yes.

MR. NUGENT: Are there any further questions by the board? If not, I'll accept a motion.

MR. KRIEGER: Mr. Chairman, if I might, just a couple, are there other similar pools in the neighborhood?

MR. HUSTED: There's a few pools.

MR. KRIEGER: They are similar?

MR. HUSTED: They are all close.

MR. KRIEGER: This isn't over the top of any sewer easement or water easement, is it?

MR. HUSTED: No.

MR. KRIEGER: Your house is served by municipal sewer and water, right?

MR. HUSTED: Yes.

MR. KRIEGER: Doesn't interfere with any or divert any course of drainage or cause any ponding or collection of water?

MR. HUSTED: No.

MR. KRIEGER: That's what I need to ask.

MR. NUGENT: I'll accept a motion.

MR. TORLEY: I move that we grant Mr. Husted his requested rear yard variance for the above-ground pool at 7 Garden Drive.

MR. KANE: Second the motion.

ROLL CALL

MR. TORLEY	AYE
MR. KANE	AYE
MR. NUGENT	AYE

MRS. PESETSKY: I wanted to ask one thing, I saw a picture of where the pool will be, the pool is, it's there right now, there shouldn't be any hesitation for us to be knowing precisely how much distance there is between the pool part and the back, I mean it's there, it's accomplished already, what we can do doesn't make much difference. But that's not it, I just felt that if he could show a picture that way he could show us what it actually looks like and we'd know precisely where it is.

MR. NUGENT: I don't know what to answer. Mr. Husted,

June 14, 1999

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would you invite her over and let her see your pool?

MR. HUSTED: I sure will. Tomorrow would be good.

Date 7/6, 1999

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Robert Husted DR. 7 Garden Drive, New Windsor, N.Y. 12553

DATE	CLAIMED	ALLOWED
7/16/99	Refund of Escrow Deposit - # 99-17	180.50
<p>Approved: Patricia C. Banhart FBA</p>		

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

.....
I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here

No.

Town of New Windsor

.....
Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day

of, 19.....

the within claim was audited and allowed
for the sum of

\$

.....
Clerk

6/14/99

Public Hearing: Husted, Robt. #99-17

Name:

Address:

Mary Pauley

3 Garden Dr. N. 201.

not objecting

Florence Gould

18 Garden Dr. h.w.

Arthur Castinow

6 Garden Dr.

Shirley Beckley

13 Garden Dr.

✓ - objecting if water floods property.

Raymond Wink

32 Garden Dr.

Harold Gonzale

11 Garden Dr.

asked about amt. of space to new yd.

OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: May 5, 1999

**APPLICANT: Robert Husted
7 Garden Drive
New Windsor, New York 12553**

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE:

FOR : 4' Above Ground Pool

LOCATED AT: 7 Garden Drive

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 47-2-5

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

- 1. Proposed 4' above ground pool will not meet minimum 10' rear set-back.**


BUILDING INSPECTOR

PERMITTED 10'

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: USE: 48-21-G-1

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

2'

8'

REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:

cc: Z.B.A., APPLICANT, FILE ,W/ ATTACHED MAP

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Unapproved work must be reinspected after correction.

RECEIVED

APR 30 1999

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation Inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

Robert & Lisa Husted

Address

7 Garden Dr

Phone

9145627537

Mailing Address

Name of Architect

Address

Phone

Name of Contractor

Address

Phone

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.

(Name and title of corporate officer)

**BOX
FOR OFFICE USE ONLY**

Building Permit # _____

1. On what street is property located? On the N side of _____
(N, S, E or W)
and _____ feet from the intersection of RT 94

2. Zone or use district in which premises are situated _____ Is property a flood zone?
Y _____ N X

3. Tax Map Description: Section 47 Block 2 Lot 5

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other ☐

6. Is this a corner lot? NO

4' ABOVE SMO POOL

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee \$50.00

11. School District Wrentham To be Paid on this Application

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required.

THE SHORE AGENTS
222 Main Street
P. O. Box 1000
Barnes

NO OTHER INFORMATION
BEING FURNISHED
TO THE BUILDING INSPECTOR
BY THE APPLICANT
6/1/78

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank Usi
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4693 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

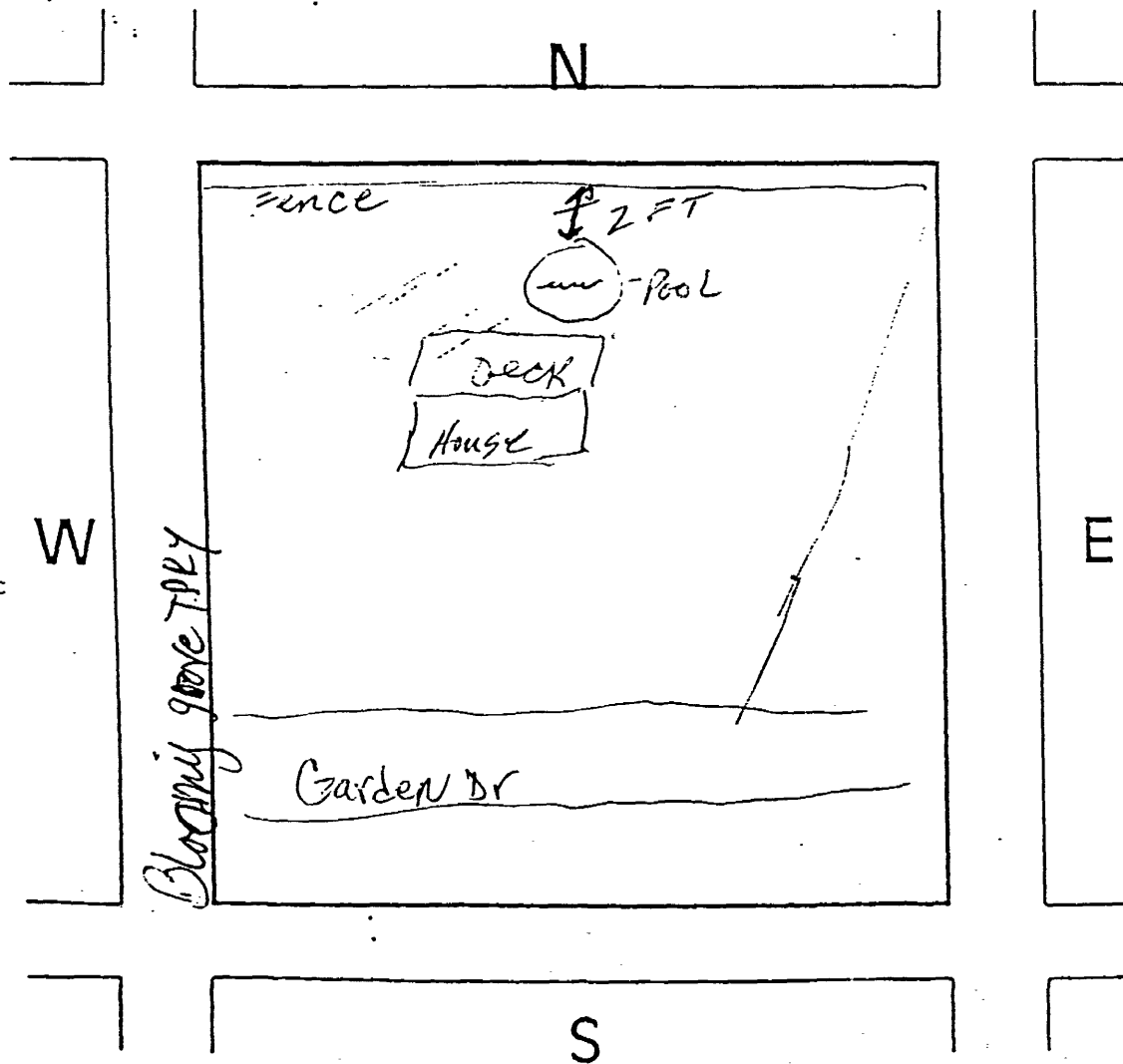
Robert Hester
(Signature of Applicant)

7 Garden Dr New Windsor NY 12553
(Address of Applicant)

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



SECTION 41

BLOOMING GROVE

TURNPIKE

SECTION 48

SECTION 37

ALL NEWBORN SCHOOL DISTRICT
ALL WILDS GATE FIRE DISTRICT

ORANGE COUNTY~NEW YORK

TOWN OF NEW WINDSOR

Section No. 47

2 FLAM BLACK HD
2 FLAM LIT HD
2E SHIPPERS ALL STATE INST HD
2E SHIPPERS CRAFT INST HD
2 SHIPS TOWN HD

Photo No: 14-32,33

Date of Map: 9-29-67

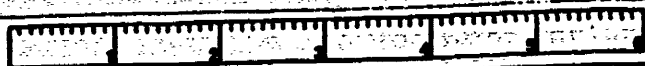
Date of Photo: 3-1-65

Date of Revision: 3-1-94

Scale: _____ 1" = 100'

495

1-800-365-7334



SCALE 1" = 100'

SECTION 44

N.Y. STATE HIGHWAY NO. 94

BUTTONWOOD DRIVE

SECTION 37

CAESARS

BUTTERMILK DR.

LOUISE DRIVE

MOODNA

LANE

SECTION 78

**AERO SERVICE
CORPORATION**
A DIVISION OF LITTON INDUSTRIES
480 VAN METER ST. PHILADELPHIA, PA. 19106



FOR TAX PURPOSES ONLY

NOT TO BE USED FOR CONVEYANCE

LEGEND

STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO.	FILED PLAN BLOCK NO.
CITY TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO.	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Deed) 11.1A, (Calculated) 11.6A2	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Deed) 60 (Scaled) 750	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

494

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Robert Husted,
99-17 Applicant.

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on May 20, 1999, I compared the 45 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.


Patricia A. Barnhart

Sworn to before me this
20 day of May, 1999.


Notary Public

**DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999**

Pls. publish immediately. Send bill to Applicant @ below address.
PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 17

Request of Robert Husted

for a VARIANCE of the Zoning Local Law to Permit:

construction of above-ground pool w/
insufficient rear yard;

being a VARIANCE of Section 48-12 Table of Use/Bulk Regs - Col. G

for property situated as follows:

7 Garden Drive, New Windsor, N.Y.

known and designated as tax map Section 47, Blk. 2, Lot 5.

SAID HEARING will take place on the 14th day of June, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent.
Chairman

By: Patricia A. Barnhart, Secy.

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

99-17
Date: 5/11/99

I. Applicant Information:

- (a) Robert & Lisa Husted 7 Garden Drive 9145627537 X
(Name, address and phone of Applicant) (Owner)
(b) _____
(Name, address and phone of purchaser or lessee)
(c) _____
(Name, address and phone of attorney)
(d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
☒ Area Variance ☐ Interpretation

III. Property Information:

- (a) R-4 7 Garden Drive 47 25 111.6 x 108.8 ±
(Zone) (Address) (S B L) (Lot size)
(b) What other zones lie within 500 ft.? None
(c) Is a pending sale or lease subject to ZBA approval of this application? NO
(d) When was property purchased by present owner? 1982
(e) Has property been subdivided previously? NO
(f) Has property been subject of variance previously? yes
If so, when? 1989-1990
(g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
(h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. N/A

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow:
(Describe proposal) INSTALL POOL

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes ___ No ✓.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table of Use/Bulk, Regs., Col. G.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>10 ft.</u>	<u>2 ft.</u>	<u>8 ft.</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.
 Describe why you believe the ZBA should grant your application for an area variance:

Add to Beauty of yard & neighborhood

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: *N/A*

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation. *N/A*

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

See above

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☒ N/A Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ N/A Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 5/18/99

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Robert M. [Signature]
(Applicant)

Sworn to before me this

19th day of May 1999.

XI. ZBA Action:

(a) Public Hearing date: _____

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC
HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF
APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)

24,850,
DI.R/mnv

STATUTORY FORM 2-328
Deed—Individual or Corporation

THE CHICAGO PRINTING COMPANY, 222 VAN BUREN ST., N.Y.

LIBER 2280 PC 590 NW

This Indenture,

Made the
Hundred and Eighty-four 80 day of March, 1954

Between STEPHEN ZARANSKY, residing at 2095 Lakeland Avenue,
Lakewood, Ohio,
as Executor of
HERMAN ZARANSKY,

the last Will and Testament

late of 7 Garden Drive, New Windsor, New York,

deceased, party of the first part

and ROBERT HUSTED and LISA HERSKA, residing at 11 John Street,
Stoney Point, New York, as joint tenants.

parties of the second part

Witnesseth. That the party of the first part, by virtue of the power and authority
given in and by said last Will and Testament, and in consideration of
him
Sixty Thousand and no/100 (\$60,000.00) Dollars
lawful money of the United States, and other good and valuable consideration,
paid by the parties of the second
part, do es hereby grant and release unto the parties of the second part, their
heirs and assigns forever.

X All that certain parcel of land with the improvements thereon,
situate in the Town of New Windsor, County of Orange and State of
New York, known and designated as Lot #15 on a map entitled Windsor
Acres, Section #4, made by Robert Morrison, P.E., which map is dated
December 1952, and which map was filed in the Orange County Clerk's
office on January 14, 1953 and numbered 1526, filed in Pocket 15,
Folder A.X

SUBJECT to the following restrictions and covenants which run
with the title of the lands hereby conveyed forever:

1. That any dwelling house which shall be built, maintained
or erected shall be built at least thirty feet back from the front
line of the road, and that no more than one dwelling house shall be
built or maintained on each lot.
2. That no house or structure shall be erected upon said lot.
which house shall cost less than \$6,000.00.
3. That no junk or other unsightly obstructive material shall
ever be stored, kept or maintained on said premises or any part thereof
nor shall any cows or pigs be kept on the said premises or any part
thereof.
4. That sewage disposal and water supply systems shall be in-
stalled or constructed in accordance with the regulations of the
New York State Department of Health.

X EXCEPTING, however, that portion of the above mentioned property
as described in a deed from Harry C. Ferguson and Ann C. Ferguson to
Irving Schwartzman and Lena H. Schwartzman, dated November 20, 1953,
recorded in the Office of the Clerk of the County of Orange on Nov.
20, 1953 in Liber 1289 of Deeds at page 59. X Being the same premises
conveyed by Harry C. Ferguson & Ann Ferguson to Freda L. Cohen by deed dated July 12,
1954 in Liber 1289 of Deeds at page 59. X Being the same premises
conveyed by Freda L. Cohen by deed dated July 14, 1954 in Liber 1289 of Deeds at page 59.

Best I know of

Together with the appurtenances, and also all the estate which said Testator had at the time of his decease in said premises, And also the estate therein, which the party of the first part has or had power to convey or dispose of, whether individually, or by virtue of said Will or otherwise,

To have and to hold the premises herein granted unto the parties of the second part, their heirs and assigns forever, as joint tenants.

And the party of the first part covenants that he has not done or suffered anything whereby the said premises have been incumbered in any way whatever.

And The grantor, in compliance with Section 13 of the Lien Law, covenants as follows: That he will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement, and that he will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

In Witness Whereof, the party of the first part

In presence of

Stephen Zaransky
STEPHEN ZARANSKY as Executor of the
Last Will and Testament of Herman
Zaransky, Deceased

State of Ohio County of Cuyahoga

On the 20th day of March, nineteen hundred and twenty
four, before me personally came Stephen Zaransky

to be the individual described in, and who executed, the foregoing instrument, and acknowledged that he executed the same.

Lawrence S. Benjamin
LAWRENCE S. BENJAMIN, Notary Public
My Comm. Ex. has no expiration date,
Section 147 A. U.

State of County of

On the day of , nineteen hundred and
, before me personally came

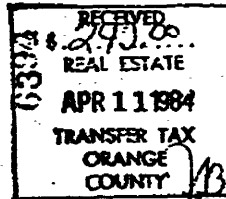
to me known, who, being by me duly sworn, did depose and say that he resides in
that he is the of

the corporation described in, and which executed, the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of of said corporation; and that he signed his name thereto by like order.

Page 3

REF 2280 PG 591

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE



Orange County Clerk's Office, ss.
Recorded on the 11th day
of April 1984 at 1:00
o'clock P.M. in Liber 240
at page 17
and Examined.
Miriam S. Murphy
Clerk

NW-120

Deed.

STEPHEN ZARANSKY, as Executor
of the Last Will and Testament
of Herman Zaransky, deceased,

TO

ROBERT HUSTED and LISA HERSKA

Dated, March 20 1984

Record at the request of:

HUDSON VALLEY ABSTRACT CO.
43 Maple Avenue
New City, N.Y. 10956
(914) 634-8794

Agent for:

Security Title & Guaranty Co.

240
17
2-

Date 5/12/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO James Roth DR.
168 N. Cay St. Newburgh Ny 12550

DATE			CLAIMED	ALLOWED
5/10/99		Zoning Board Mtg	75.00	
		Misc		
		Hande / -2		
		Husted - 3 13.50		
		Pierri - 5		
		Maxwell - 3		
		Hecht - 2		
		Petrone/Decision - 1	76.50	
		17pgs		
			151.50	

May 10, 1999

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HUSTED, ROBERT

MR. NUGENT: Request for 8 ft. rear yard variance for 4 ft. above-ground pool at 7 Garden Drive in an R-4 zone.

Mr. Robert Husted appeared before the board for this proposal.

MR. KANE: Mr. Chairman, I have to state that Mr. Husted's buying his pool through our store, just to let everybody know.

MR. NUGENT: Can you vote without being prejudiced?

MR. KANE: Yes.

MR. NUGENT: So noted. The deck's okay?

MR. HUSTED: Yes.

MR. NUGENT: You have 2 and you need 8.

MR. TORLEY: You need 10.

MR. NUGENT: He has 2.

MS. OWEN: Do you have neighbors behind you?

MR. HUSTED: Yes.

MR. TORLEY: Is that the only place you can put it?

MR. HUSTED: Safest place.

MR. NUGENT: Did you talk to your neighbors about it?

MR. HUSTED: Not yet.

MR. NUGENT: Probably not a bad idea. There's no other place you can move it to get it away from the variance?

MR. HUSTED: That would be the safest place.

MR. TORLEY: If you move it in another eight feet you don't have to be here.

MR. KANE: Then it's on his deck. It's a tough yard.

MR. REIS: By installing this, Bob, you wouldn't create any kind of water hazards or water runoff to your neighbors or anything like that?

MR. HUSTED: No.

MR. KANE: Not removing any trees?

MR. HUSTED: No.

MR. KANE: Do other homes in your area have pools?

MR. HUSTED: Yes.

MR. REIS: Make a motion that we set Mr. Husted up for a public hearing.

MR. TORLEY: Second it.

ROLL CALL

MS. OWEN	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MR. BABCOCK: Should be an application, it's probably five or sheets thick.

MR. NUGENT: We've got that, but don't have the procedures sheet.

MR. HUSTED: I've got one.

MR. NUGENT: If you have any questions, stop and see Pat. Also, if you can bring some photographs.

MR. KRIEGER: If you would take that sheet with you, those are the criteria on which the State has mandated that the Zoning Board must decide. So if you would address yourself to those criteria in making your

May 10, 1999

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presentation, that would be helpful.

MR. HUSTED: Okay, thanks.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

May 13, 1999

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Robert Husted
7 Garden Drive
New Windsor, NY 12553

RE: 47-2-5

Dear Mr. Husted:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$65.00, less your deposit of \$25.00. Please remit the balance of \$40.00 to the Town Clerk at the above referenced parcel.

Sincerely,

S. Cook / EV

Leslie Cook
Sole Assessor

/ev
Attachments

Cc: Pat Barnhart, ZBA

Albert & Herta Koenig ✓
156 Caesars Lane
New Windsor, NY 12553

County of Orange ✓
255-275 Main Street
Goshen, NY 10924

Edward & Anna Mozgiel ✓
15 Louise Drive
New Windsor, NY 12553

Eve & Richard Freda ✓
8 Louise Drive
New Windsor, NY 12553

Kenneth & Diane Schliphack ✓
2 Garden Drive
New Windsor, NY 12553

Steve & Carmela Pazoga ✓
4 Garden Drive
New Windsor, NY 12553

Joseph Castanaro ✓
6 Garden Drive
New Windsor, NY 12553

John & Wendy McCaffrey ✓
8 Garden Drive
New Windsor, NY 12553

Peter Callas Liv. Trust ✓
W/ Peter Callas as Trustee
10 Garden Drive
New Windsor, NY 12553

Thomas & Joan Mohr ✓
Apt. 7N
125 Cedar Street
New York, NY 10006

Windsor Enterprises, Inc. ✓
By John Lease III, President
313 Broadway
Newburgh, NY 12550

Warren Sanford ✓
12 Garden Drive
New Windsor, NY 12553

Albert & Eleanor Rothstein ✓
14 Garden Drive
New Windsor, NY 12553

Jean Ann Strack ✓
L.E. for Marjorie Scott
16 Garden Drive
New Windsor, NY 12553

William & Florence Gould ✓
18 Garden Drive
New Windsor, NY 12553

Catherine Noyes ✓
20 Garden Drive
New Windsor, NY 12553

Thomas & Maxine Petro ✓
22 Garden Drive
New Windsor, NY 12553

Jeanne Finkenauf ✓
24 Garden Drive
New Windsor, NY 12553

Charles Rogers Jr. ✓
26 Garden Drive
New Windsor, NY 12553

John & Sonia Benichasa ✓
28 Garden Drive
New Windsor, NY 12553

Ray & Muriel Work ✓
32 Garden Drive
New Windsor, NY 12553

Dominick & Roxann Giordano ✓
34 Garden Drive
New Windsor, NY 12553

Frank & Stella Rohan ✓
36 Garden Drive
New Windsor, NY 12553

James Jr. & Bridget Ann Roach ✓
1335 Route 208
Wallkill, NY 12589

Adelbert & Vera Curry ✓
40 Garden Drive
New Windsor, NY 12553

Jane MacGregor ✓
42 Garden Drive
New Windsor, NY 12553

Leo Gagliardo ✓
2 Faye Avenue
New Windsor, NY 12553

William & Laura Foster ✓
4 Faye Avenue
New Windsor, NY 12553

Joseph & Teresa Bosch ✓
8 Faye Avenue
New Windsor, NY 12553

Lorraine & Harold Wingfield ✓
Apt. 20, The Greenhouse
Stewart Avenue
Newburgh, NY 12550

Harry & Janice Walters ✓
16 Faye Avenue
New Windsor, NY 12553

Charles & Erma Baker ✓
20 Faye Avenue
New Windsor, NY 12553

Edith Tomer ✓
24 Faye Avenue
New Windsor, NY 12553

Clayton & Frances Oestrich ✓
28 Faye Avenue
New Windsor, NY 12553

Joseph & Marilyn Cuccia ✓
32 Faye Avenue
New Windsor, NY 12553

Christopher & Kathryn Craig ✓
34 Faye Avenue
New Windsor, NY 12553

John Ramondino & ✓
Laura Russo
15 Garden Drive
New Windsor, NY 12553

Pamela Reilly ✓
9 Garden Drive
New Windsor, NY 12553

Mary Doupona ✓
1 Garden Drive
New Windsor, NY 12553

Irving Pesetzky Rev. Trust ✓
W/ Irving Pesetzky as Trustee
13 Garden Drive
New Windsor, NY 12553

Richard & Gina Hurley ✓
5 Garden Drive
New Windsor, NY 12553

Fredrick & Dorothy Malizia ✓
17 Garden Drive
New Windsor, NY 12553

Harold & Daris Gonzalez ✓
11 Garden Drive
New Windsor, NY 12553

John & Mary Paul ✓
3 Garden Drive
New Windsor, NY 12553

Joseph Bonura ✓
101 Route 9W S
New Windsor, NY 12553